Justice Black, The Negro and Jefferson, P. 2

The War May Be Going Badly But Saigon's Business Men Are Enjoying A Boom

"There is still money to be made in South Vietnam, and business men there generally are doing well—since the flow of aid money is vast. However the tendency of the money to collect in a few hands makes it difficult for the native small and medium-sized business. Profits are being transferred to Hong Kong and Switzerland. . . . Most of the $122 million in American aid slated for the second quarter will not leave Saigon, except in the form of profits taken out of the country altogether."

—Whaley-Eaton Service in the Washington Star, Feb. 27.

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The Fallout Danger in Any Nuclear Attack on China

Escalation is on its way, and we see no way to stop it. Now is the time to organize public opinion against the ultimate escalation, the use of nuclear weapons. In this connection we would like to call attention to an exchange on the subject in the newly released and heavily censored testimony on the supplemental Vietnam war bill before Senate Armed Services and Appropriations subcommittees. At page 107 Secretary McNamara is asked by Senator Margaret Chase Smith of Maine, "Under what conditions would you use tactical nuclear weapons in Vietnam?" His answer was "I can't conceive of any in which we would use them in South Vietnam." Later at page 129 Senator Mundt asked, "You say, 'We can't conceive of any condition where we would use tactical nuclear weapons in Vietnam.'?" The rest of Senator Mundt's question and the first part of Secretary McNamara's reply were deleted by the censor. All he left in was, "This morning I said that we didn't *at present* conceive of any circumstance in which we would use nuclear weapons in *South* Vietnam." (Our italics). This does not bar the use of tactical nuclear weapons against North Vietnam or China, nor even in South Vietnam under other circumstances.

Incineration By Other Means

The time may come when it will be argued that after all it is no worse to burn people up by atomic incineration than by napalm. If the innocent die with the guilty, well it's better (we may be told) to be radioactively dead than possibly Red. Now we want to raise a question no one, so far as we know, has raised before. What happens when the clouds of radioactive dust move from the battlefields to the cities of nearby friendly and allied countries like South Korea, Japan, Formosa and the Philippines? This is a good time to remember the horror and panic which spread in Japan when the deadly ash from one H-bomb explosion some 5,000 miles away fell on the fishing boat the Flying Dragon in 1954. Atmospheric nuclear explosions were later stopped by agreement because of the danger to world health. What happens if the U.S., instead of an occasional experimental explosion, really began in earnest to drop bombs on China? What will be the reaction when the fallout sickens people in Soviet Asia? Or Western Europe? Or—as the deadly clouds move all the way round the globe—the USA?

We suggest that scientists the world over, particularly in Japan, begin to estimate the amount of fallout which would be created by various levels of nuclear attack by us on the mainland of Asia. In our own country minor seepages from underground explosions in Nevada several years ago caused an alarming increase in radioactive iodine almost three thousand miles to the west in New York State. Up to now we have thought only of a war between the two nuclear giants, US and USSR, which would devastate both. So horrible is the outlook that neither has bothered to consider what the fallout would do to the countries in between them. But nuclear war by us on a country like China, with few bombs of its own, would be a nuclear war of very different dimensions. In it, so we calculate, we could wreck China with little damage to ourselves. In smug contemplation of this easy victory, no one has stopped to think of what the fallout might do to ourselves and others. Do we build fallout shelters to protect us from the byproducts of our war on China? Can we attack China with nuclear weapons on the scale so huge a country requires without danger to others and ourselves?

Four-Star Misinformation

Sen. Young (R. N. Dak): The desertion rate of the South Vietnamese a year or so ago, I understand, was quite high. Is the desertion rate decreased . . .?

Gen. Harold K. Johnson (Chief of Staff, U.S. Army): . . . There has been an improvement in the course of the last year in the desertion rate [deleted].

—Newly released and heavily censored testimony on the supplemental Vietnam war bill before Senate Armed Services and Appropriations Comm., Jan. 24.

Saigon, Feb. 23—About 96,000 men deserted from the South Vietnamese armed forces last year, a total equivalent to nearly half of the American force that has been committed to the defense of this country. Actually the figure reported by the South Vietnamese government was higher, but informed sources said it did not take into account the fact that some of the deserters had later reenlisted. . . . Total desertions for 1965 were put at 113,000. Desertions from the regular armed forces nearly doubled during the last year.

—Neil Sheehan in the New York Times, Feb. 24.

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A Friendly Disagreement With A Great Justice on His 80th Birthday

It's Not The Negro Who Needs to Be Told About Jefferson

We greet Mr. Justice Black with reverence and gratitude on his 80th birthday and hope that he will break the record set by Oliver Wendell Holmes who served until 90. Mr. Justice Black has become the greatest civil libertarian ever to sit on the U.S. Supreme Court. We are sorry to spoil the occasion by disagreeing with him on his latest dissent. When we heard of his impassioned outburst in the Louisiana library sit-in case, we sat down to read it, prepared to be persuaded. We have long thought civil disobedience a dangerous weapon, though like certain poisons it may sometimes be medicinal if taken in careful doses. We who applaud the weapon when used by SNCC or CORE, would be quick to condemn it when used by the Klan or the Birch Society. So we were prepared to hear a warning from Mr. Justice Black.

Hardly A Mob Scene

But after reading the four separate opinions of the Court in *Brown* v. *Louisiana,* we find Mr. Justice Black's mighty admonitions completely out of proportion to the actual facts. "The crowd moved by noble ideals today," Mr. Justice Black thundered, "can become the mob ruled by hate and passion and greed and violence tomorrow." So it can, and it can then be dealt with for breach of the peace or worse. But the five polite young Negroes who staged a quiet sit-in at a segregated Louisiana library bore no resemblance whatsoever to a mob. The inescapable fact is that if they had been white men the Sheriff would not have arrived within 10 or 15 minutes to arrest them. "Petitioners while in the library," the dissent admits, "never talked in unusually loud voices and used no bad language." It is hard to connect this with Mr. Justice Black's grandiloquent language about "the Marseillaise . . . when a noble revolution gave way to rule by successive mobs until chaos set in." Even the unconditional surrender of the Clinton, La., book Bastille to integration would still be a measurable distance from chaos.

Mr. Justice Black, it is clear from this and several recent cases, is rendered queasy by sit-ins. It is natural for one who prizes the First Amendment above all else to be suspicious of efforts to change law and custom not by the debate and persuasion it protects but by a kind of force, however peaceful. But the First Amendment, ideal and splendid as it is, has its limitations. The Negro cannot speak freely in the South, and even if he could, he could speak from now to doomsday without ever persuading Southern white supremacists. The sit-in has done more in a few years than persuasion could do in a century.

The underdog can be asked to limit himself to freedom of speech only when the master class or race shows itself willing to listen. But the South gave up Jeffersonianism, with all its implications, long ago. The South began to turn its back on the great Virginian as far back as the 1830s lest his teachings disturb slavery. It has made the South literally unliveable for any man, white or black, who questioned slavery then or white supremacy now. The South is a lonely and dangerous place to this day for any man who dares speak his mind on the South's peculiar institution. It's not the kids of CORE and SNCC who need to be told about the First Amendment. It's the Sheriff, and he'd probably dismiss it as Yankee Communism.

An Evil Harbinger

Soviet intellectuals and Soviet Jews will be chilled to read Izvestia's praise (Feb. 25) of Andrei Zhdanov as "a true son of the people." Coming in the wake of the Sinyavsky-Daniel trial, it will be taken as a signal of bad times ahead. It was Zhdanov who ran Stalin's post-war witch hunt against the intellectuals. He began it in 1946 with an attack on the satirist Zoshchenko and the poet Akhmatova and soon began to fill the labor camps with editors and writers. The campaign culminated in anti-Semitic attacks on writers of Jewish origin as "rootless cosmopolitans." A whole generation of Jewish writers in Russian and in Yiddish were liquidated, as Babel, Pilnyak and Mandelstam had been in the earlier purges of the 30s. No regime in history ever killed so many of its finest writers. The Soviet press has never acknowledged openly and fully the terrible record of those years. Many of the honored dead have yet to be rehabilitated, but Zhdanov, the main instrument of all this moral monstrosity, is now paid posthumous honor. This will be interpreted in the Soviet Union as a sign of movement back toward that strict party control of the arts responsible for so much stupidity and cruelty in the past. It's hard to fathom the mentality which would hail Zhdanov as its true son.

How To Have a Desegregated School Without Enrolling Any Negroes

Two recent reports of the U.S. Civil Rights Commission document the results of ineffectual enforcement of Title VI of the 1964 Civil Rights Act. A Southern and border state school survey turned up 102 counties with approved "desegregation" plans where no Negroes are enrolled in school with whites! In Alabama, Mississippi and Louisiana barely ½ of 1% of Negro children have been integrated. With respect to health and welfare services the story is much the same. Some state hospitals are wholly segregated; others assign Negroes to separate rooms and wards. Many doctors tied to federally supported programs maintain separate waiting rooms. And, Negroes are still excluded from many child care institutions, nursing homes and training facilities. Schools, hospitals and welfare programs are no longer publicly or officially segregated. In practice, they generally remain so.

Officials at the Departments of Justice and Health, Education, and Welfare insist more vigorous enforcement of Title VI is in the offing. They promise larger, more efficient staffs; increased investigations and field trips; tighter guidelines and an elaborate system of compliance reports by local administrators. But when it comes to penalties, Washington loses its nerve. The traditional, and so far ineffective, means of warnings, negotiations and court suits are favored over the termination of Federal assistance. To date, although a number of the most flagrant violators of the civil rights law have been called to hearings, none has lost its Federal funds. Justice and HEW contend that terminating funds would merely strengthen the resistance of the Southerners. How do they know? Cutting off funds is, after all, Section 602 of the Civil Rights Act. It should at least be tried.—*P.O.*

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The Senate's Indifference to Johnson's Swing Toward Military Dictators

This is Why Huge Brazil May Some Day Become Another Vietnam

Two symbols of the new Johnsonian orientation toward military dictatorship in the hemisphere were confirmed to office by the Senate Feb. 25, in an almost empty chamber, on a voice vote, without discussion, except for one speech in opposition, by Senator Morse, to his great credit. One was Jack Hood Vaughan to become head of the Peace Corps. The other was Lincoln Gordon to succeed Vaughan as Assistant Secretary of State for Inter-American Affairs. Vaughan has become an apologist for military take-over, Gordon as Ambassador to Brazil favored the overthrow of its constitutional President by a cabal of the military, the landed oligarchy and urban property. Some day as a result we may have to send troops into this huge country.

Democracy Not For Export?

Our instant support of the military was regarded as signalling the end of "Kennedyism" (as *Le Monde* said at the time) but Gordon was warmly endorsed by Senator Edward M. Kennedy. Two years ago, just before Goulart's overthrow, Brazil was at a cross-roads. A Congress elected by a restricted franchise and dominated by the rural oligarchy had blocked the agrarian and tax reforms we claim to support. Democracy either had to be widened or restricted. Goulart wanted to widen it by giving Brazil's illiterate Negro majority the right to vote. This would have given Goulart a Congress favoring social reform. The resemblance to Johnson's Voting Rights Act is obvious but Gordon, Rusk and Johnson all came down on the anti-democratic side in Brazil.

For some strange reason Morse at the time praised Johnson's message hailing Goulart's overthrow as a victory for constitutional government. Morse's position now is that Goulart should have been impeached instead of overthrown! Gordon at the confirmation hearing before Senate Foreign Relations was allowed to get away with a very distorted presentation of what happened in Brazil. Morse asked Gordon to mention examples of how Goulart was trying to rule unconstitutionally. Gordon referred to the agrarian reform decree Goulart signed just before his overthrow as "without any legal, any statutory, basis." This is untrue. Goulart, with his land reform program blocked in Congress, seized in desperation on an unused 22-year-old law allowing the government to requisition land in a six-mile zone along roads, railways and canals. This was to be the basis for a first token grant of land to the landless.

A second incredible episode in Morse's interrogation was the little speech he delivered on the virtues of private investment in Latin America and the importance of "exporting our system of economic freedom." This will make sour reading in Brazil. There the first big dividend for U.S. interests in the military takeover was the granting to George H. Humphrey, Ike's Secretary of the Treasury and a Goldwater fat cat, of iron ore concessions opposed by the nationalist right, the liberal-left in Brazil and even a majority of Castelo Branco's own military council. Gordon accompanied John J. McCloy, Humphrey's counsel, to Branco's office when McCloy asked restoration of the conc sions (cancelled in 1962 with an appeal still pending in the Brazilian Supreme Court). "After presenting Mr. McCloy," a *New York Times* dispatch Nov. 7, 1964 reported meaningfully, "Ambassador Gordon paid President Branco a second visit outlining the U.S. financial and economic mission to Brazil." Brazil became the favored Latin recipient of U.S. aid and Humphrey got the iron deposits. This is how we export "economic freedom" in the hemisphere. When even so good a friend as Morse is so easily taken in, the Latins must despair of us.

Curious Way to Be Constructive

'My broad view on this subject is that armed forces in Latin America have significant, constructive, and important functions to perform."

—Mr. Gordon to Sen. Foreign Relations, Feb. 7.

"I still maintain that the element in Brazilian public life which had been the most enthusiastic advocates of social reform were the identical elements from whom all political rights were stripped."

—Sen. Gore to Mr. Gordon at that same hearing.

"To ensure against the return to public office of elements unacceptable to the military command, more than 200 prominent public men [in Brazil] were divested . . . of voting and office-holding rights for ten years. Those proscribed politically included former Presidents Goulart, Kubitschek, and Quadros. . . . By no stretch of the imagination was the purge merely anti-Communist, for it included anyone the military command happened to disapprove of."

—Generals v. Presidents: Neo-Militarism in Latin America, by Edwin Lieuwen (Praeger: 1964).

The Immaculate Conception Of Brazil's Military Dictatorship

Sen. GORE: I am particularly concerned with the part you may have played, if any, in encouraging, promoting or causing that overthrow [of Goulart in Brazil].

Mr. Lincoln GORDON: The movement which overthrew President Goulart was a purely 100%—not 99.44%—but 100% purely Brazilian movement. Neither the American Embassy nor I personally [as Ambassador] played any part in the process whatsoever. . . . Neither I nor other officials of the U.S. Government, nor the Government in any way, shape or manner was involved. . . .

Sen. GORE: Do you include the CIA in your answer?

Mr. GORDON: Yes. In the Brazilian situation . . . there was no lack of coordination, and there is none, among the CIA personnel, the military attaches . . . and the Ambassador. This was and is all one team.

—Before Senate Foreign Relations Committee Feb. 7

"People have not forgotten the comings and goings of the American military attache, Gen. Vernon Walters, at the homes of certain Brazilian higher officers who played an important role in the movement of March, 1964 [which overthrew Goulart]. . . . And finally one cannot forget the program of American aid to the Brazilian police which, it is said, in return for certain supplies, handed over to the American Embassy the police records of thousands of Brazilian citizens."*—Dispatch from Brazil on Gordon's testimony, in* Le Monde *(Paris), February 11.*

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Humphrey and Kennedy Neck-and-Neck When It Comes to Spinelessness

That Blank Check Congress Just Signed Is For A Collision Course With China

It's easy to risk death in battle for one's country, and even easier to send others out to die. But it's hard to stand up against the warlike minority and the sheeplike herd, and risk one's political future because you feel your country's youth and welfare are at stake. You can read this in Thucydides and you can read this in yesterday's papers. It is no surprise that when the chips were down so few Congressmen voted against the rising tide of war.

Another 30 Years War

Two Senators, Morse and Gruening, were the only ones to pass that test fully. Three others, Fulbright, McCarthy and Young of Ohio joined them in the effort to rescind the blank check for war given the President in the Tonkin Bay resolution. Four Congressmen, Burton and Brown of California, Conyers of Michigan and Wm. Fitts Ryan of New York joined Morse and Gruening in voting against the new $4.8 billion bill for the Vietnamese war, another blank check, this time for a wider war. And that wider war—as McNamara has been indicating for several months—is war with China. What this may portend was indicated by a leading French military expert on atomic war, Col. F. O. Mischke, who wrote in *"Neues Europa"* (Baden-Baden, March 1), that we face the prospect of a 30 years war in Southeast Asia "in which the number of partisans will reach 20 or 30 million men. China will be the winner." Even if he is wrong and *we* emerge the winner, the cost will exceed any possible national interest.

The Senator who failed the test most miserably was Robert F. Kennedy. The *St. Louis-Post Dispatch* (Feb. 27) urged that he follow up his statement of the previous Saturday by embodying its main points in a Senate resolution. The Senate almost always "consents" but rarely uses its constitutional power to advise. This was an historic chance for an advisory resolution embodying Kennedy's view that any negotiation "must accept the fact that there are discontented elements in South Vietnam, Communist and non-Communist, who desire to change the existing political and economic system of their country" and offer them "a share of power and responsibility" as the price of calling off the rebellion. Such a resolution would have avoided, for the timid, a frontal clash with the Johnson Administration and could be represented as a way of widening the President's options. The debate over the resolution, even though finally defeated, would have helped educate the country and put a brake on escalation. But Kennedy, who looked like a first-rate fumbler on *Face the Nation,* proved to be neither hawk nor dove but chicken.

That rival liberal of his, Humphrey, has turned out to be a glib and cheerful pyromaniac. His old friend, James Wechsler, in his *New York Post column* (March 1) sadly exhumed the Vice President's intrview with Tad Szulc in the *New York Times* (Sept. 13, 1964) at the beginning of the presidential campaign. Then Humphrey said of Vietnam, "the present struggle is a conflict between Vietnamese of various political beliefs; no lasting solutions can be found by foreign armies." Yet here we go.

Almost Feeble Enough for LBJ

We are appalled at the feeble character of the Voters' Pledge Campaign initiated by the National Committee for A Sane Nuclear Policy. Under the co-chairmanship of Norman Thomas and the Rev. Wm. Sloane Coffin, this is to culminate in an April 30 convention in Washington to support Congressional candidates who favor a peaceful settlement in Vietnam. With all due respect to the co-chairmen, the pledge is so weak that it can easily be blanketed by one of those familiar Lyndon Johnson statements that his critics really agree with him. Of its three points, the last two, on the use of international agencies for peace and on constructive economic and social programs at home and abroad, represent no departure from the Administration line. Point 1 says, "For U.S. steps to scale down the fighting and achieve a cease-fire; for U.S. initiatives to encourage negotiations with all concerned parties including the Vietcong (NLF); and for a settlement which permits the Vietnamese people freely to work out their own future." Johnson can claim that he is for all of this except a scaling-down of the fighting. Even in this he can point to at least one offer of de-escalation. For a man who has talked peace while widening war as cleverly as Johnson, this pledge is an easy mark for slick capture. We urge pressure for a stronger pledge.

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